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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,255	02/11/2004	Masahiro Takimoto	26CT-012-CON	9889

23400 7590 08/09/2006

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER

TO, TOAN C

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/775,255

Applicant(s)

TAKIMOTO ET AL.

Examiner

Toan C. To

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19, 21-23, 26-32, 34, 35, 38 and 39 is/are pending in the application.
- 4a) Of the above claim(s) 22, 26-31 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19, 21, 23, 32, 34 and 38-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Request for Continued Examination (RCE)***

1. The request for continued examination filed on May 23, 2006 under 37 CFR 1.114 based on parent Application No. 10/775,255 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Inventorship***

2. Receipt is acknowledged of the statement requesting that Masahiro Takimoto be deleted as a named inventor which was filed on March 17, 2005. The inventorship has been corrected as requested.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19, 21, 23, 32, 34 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwanaga (U.S. 6,152,480) in view of Saslecov (U.S. 6,092,836)

Iwanaga discloses an airbag device for a vehicle, wherein the vehicle has a front end, a rear end, a passenger compartment and a panel located at the front of the passenger compartment, and wherein the airbag device comprises: a folded airbag (55); a case (53) that houses the airbag (55), the case being formed in a rectangular

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box shape (see figure 1), wherein the case has an opening (12) through which the airbag may protrude when inflated; and wherein the opening (12) opens in a rectangular shape (column 6, line 52) arranged in a longitudinal direction along a left-right direction; an airbag cover (21), wherein the airbag cover includes: a door (22), wherein the door (22) covers the opening (12) of the case (53), the door opening along an upper-lower direction, and a general portion (32), which is located around the door (22); a breakaway portion (27) arranged around the door (fragile portion 27 in figure 13), the breakaway portion being broken to open the door when the airbag is expanded; fasteners (56) for attaching the airbag cover (21) to the case (53), the fasteners (56) being arranged on the upper and lower peripheries of the opening along the left-right direction, wherein the fastener (56) are constructed to permit the airbag cover to move slightly with respect to the case; and fixing members (31) that fix the airbag cover (21) to the panel (11); wherein the fixing members (31) are located near an outer edge of the general portion (32), the fixing member (31) being arranged only on the left-right direction end side of the general portion (element 31 in figure 6); wherein each of the fixing members (31) is hook-shaped, and each hook-shaped fixing member is fitted in a mounting hole (opening defined by the periphery 13) formed in the panel (11).

Iwanaga does not directly disclose the airbag for protecting the knee of occupant, and the panel is a knee-panel, which located approximately at the knee level of a passenger seated in the passenger compartment.

Saslecov shows the old and well known teaching of a knee protecting airbag assembly including an airbag (9'), and the cover (21, 22) is located below a knee-panel (16).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Iwanaga with the teaching of Saslecov to install the airbag device in a lower panel in order to protect the knees of the occupant.

### ***Response to Arguments***

5. Applicant's arguments filed April 14, 2006 have been fully considered but they are not persuasive. The prior art references in combination disclose, and teach the invention as claimed.

In response to applicant's arguments the examiner fails to establish a *prima facie* case of obviousness because: (1) Iwanaga discloses the fixing members 29, 31 are arranged all around the opening of the case 53 and arranged near the upper and lower outer edge of the airbag cover; therefore, applicant considered Iwanaga fails to disclose "the fixing members being arranged only on the left-right direction end side of the general portion as claimed". (2) Iwanaga fails to teach or suggest that its airbag cover has a structure with a reduced width in the front-rear direction. (3) modification of Iwanaga in combination with Saslecov would change the principle of operation of the both Iwanaga and Saslecov.

The examiner respectfully disagrees with applicant's arguments because the following reasons:

In response to applicant's arguments as indicated in the above item (1), it is noted that Iwanaga discloses the sandwiching pieces 29 are arranged on the lower edge and both sides of the airbag door and detached from the airbag panel substrate 11 upon deployment of the airbag to allow opening of the airbag door; while the sandwiching pieces 31 are arranged on the left-right direction of the upper edge/end side of the airbag door (see figure 6), are in fixed relationship with the panel substrate 11 upon deployment of the airbag door to serve as a hinge, the sandwiching pieces 31. Therefore, the examiner now interprets only the sandwiching pieces 31 to correspond with the claimed fixing member but not including the sandwiching pieces 29, since the sandwiching pieces 29 is more like the claimed breakaway portion.

In response to applicant's arguments as indicated in the above item (2), it is noted that the features upon which applicant relies (i.e., airbag cover has a structure with a reduced width in the front-rear direction) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

6. In response to applicant's argument as indicated in the above item (3), it is noted that obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, it is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C. To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo  
August 2, 2006

